

SECTION 9 - PRELIMINARY PLATS

9-1 Authorization and Purpose

This section is authorized by Paragraph 15.1-475 of the Code of Virginia. The purpose is to provide the subdivider with a tentative indication as to whether the proposed subdivision complies with the rules of preparation and procedure as set forth in the Ordinance.

9-2 Preliminary Conference

Before preparing a preliminary plat, the subdivider should confer with the governing body's agent regarding the regulations contained in this Ordinance, the Comprehensive County Plan, the Zoning Ordinance and other applicable Ordinances. The purpose of such a conference is to assure that the applicant is made fully aware of all the requirements and interpretations of the existing Ordinances plus any amendments which are pending at the time of plat preparation.

9-3 Application and Filing

An application for preliminary plan approval shall be submitted to the agent accompanied by fifteen (15) copies of plans and support materials required by this Ordinance and by the rules of the agent and accompanied by the required fee. No application can be submitted without appropriate support materials. Such application and materials shall be submitted not later than forty (40) days prior to the date of the Planning Commission meeting at which the applicant wishes the plat to be considered. The submission shall be considered officially filed once approved by the agent in accordance with Section 9-4 of this Ordinance.

9-4 Application Review

The agent shall have seven (7) days to review the application, plans and support materials in order to determine that the submission and content requirements have been met. Once the application is reviewed, written notification of the acceptance or rejection of the submission shall be sent to the applicant by certified mail not later than ten (10) days after the date of submission. If accepted, the submission shall be officially filed and shall be placed on the Planning Commission agenda. If rejected, the submission package will be returned to the subdivider with a list of deficiencies. Upon receipt of the deficiencies, the applicant may submit a revised preliminary plat addressing the deficiencies no later than twenty-three (23) days prior to the meeting. Upon review and acceptance of the corrected submission, the application shall be considered officially filed and placed on the agenda. If rejected, the submission package will be returned as stated above. No submission shall be considered officially filed any earlier than twenty-three (23) days before the Planning Commission meeting.

Written notice of the filing of a preliminary plat and the meeting date shall be sent to adjacent property owners and the applicant no later than seven (7) days after the submission is officially filed. In no case shall notification be sent less than fourteen (14) days before the Planning Commission meeting. Notice sent to the last known address of such owner(s) as shown on the current real estate tax assessment book shall be deemed adequate compliance with the requirements. The provision of notice shall be the responsibility of the Office of Community Development and Zoning. A list of adjacent property owners shall be provided by the applicant in accordance with Section 9-5.17(c).

Failure to notify the applicant within the specified time shall result in the application being considered officially filed. Failure to notify the adjacent property owners within the specified time period shall result in an automatic tabling and renotification of the filing.

9-5 Preliminary Plan Requirements

The following shall be included with the submission of a preliminary subdivision plan, revision, or resubdivision for consideration by the Planning Commission unless waived or modified by the Agent. The Agent may waive or modify any of these submission requirements upon request by the applicant and upon a finding by the Agent that the item waived is not needed for the specific application or that the modification serves the purpose of this Ordinance to at least an equivalent degree.

- A) A preliminary plat shall be prepared on one or more sheets not exceeding 24" x 36" in size. The plan shall be prepared at a scale not greater than one (1) inch to one hundred (100) feet. Such plans shall be prepared, signed in black ink and sealed (on each sheet) by a person or firm licensed in Virginia to prepare such plans. Where more than one sheet is required, a composite plan at a scale of not less than one (1) inch to three hundred (300) feet shall be submitted. The plat(s) shall contain the following:
- 1) The title under which the subdivision is proposed to be recorded. Names proposed for subdivision which are identical to or of such similar nature as to be confusing with the names of previously recorded subdivisions, incorporated towns, and unincorporated areas of the County shall be prohibited. (Amended by Board of Supervisors on February 19, 2002.)
 - 2) Name and address of the owner(s) and contract owner(s). If the property is under contract, the contract owner shall submit either a complete copy of the contract or an affidavit of the owner consenting to the submission of the application for subdivision.
 - 3) Name, address, and telephone number of the person or firm that prepared the plat.
 - 4) Name of the holder(s) of any easement.
 - 5) Magisterial District.
 - 6) Date of plan preparation.
 - 7) Sheet numbers, sheet index and match lines and scale.
 - 8) North Arrow: If true north is used, the method of determination must be shown.
 - 9) Boundary survey at 1/10000 accuracy. All corners shall be identified.
 - 10) A vicinity sketch map with North Arrow, at a scale of one (1) inch to two thousand (2000) feet showing the relationship of the proposed subdivision to the adjoining property. The map shall show within a minimum of a one (1) mile radius all adjoining roads, their names and numbers, town and/or county boundaries and subdivisions, and other landmarks.

- 11) A topographic map with a contour interval of not greater than five (5) feet compiled by either accepted field or photogrammatic methods and tied to U.S.G.S. Datum showing all the area covered by the subdivision. Interpolation or enlargements of U.S.G.S. contours shall not be accepted. The topographic map shall meet all applicable State and local accuracy standards. The source of the topography shall be identified. The five foot contour interval requirement may be waived by the agent for lots greater than five acres in size.
- 12) The location, dimensions, width, and names of all existing or platted streets and alleys within or adjacent to the subdivision, easements, railroad rights-of-way, and land lot lines, total acreage in each use, both proposed and existing, including utilities and water courses and their names. Location of existing buildings within the proposed subdivision.
- 13) Location and number dimensions and area (square feet or acres) of proposed and existing lots, and water bodies.
- 14) All parcels of land intended to be dedicated or reserved for public use with appropriate areas (square feet or acres) shown.
- 15) Areas shown in the Comprehensive Plan as proposed sites for schools, parks, or other public uses which are located wholly or in part within the land being subdivided.
- 16) Preliminary plans indicating the provision/layout for all utilities, including but not limited to, water supply, sewage disposal, BMP's, and stormwater management facilities.
- 17) When the subdivision consists of land acquired from more than one source of title, the outlines of the various tracts shall be indicated by dashed lines, and identification of the respective tracts shall be placed on the plat.
- 18) The zoning classification and proposed use for the parcel(s) being subdivided.
- 19) Total acreage of the parcel. If more than one zoning classification, the acreage in each zoning classification shall also be provided.
- 20) Floodplain and floodway boundaries of one hundred year floodplain as shown on the FEMA Flood Insurance Rate Map, in effect at the time of submission, or an acceptable engineering study.
- 21) A drawing of the appropriate tax map scale on a sheet not larger than 24" x 36" containing the following information from tax records:
 - a) property lines
 - b) adjoining property lines
 - c) names and addresses of adjacent property owners.

- 22) Parcel Identification Number(s) of the property proposed for subdivision.
 - 23) Typical road sections and functional classifications as approved by VDOT.
 - 24) Projected traffic volume.
 - 25) Existing and proposed water usage and anticipated sewage flows in gallons per day where applicable.
 - 26) Offsite drainage map from U.S.G.S. quads at a scale of 1":2000' or less showing location of property and all drainage divides.
 - 27) Existing and proposed sanitary sewer, storm sewer, waterlines, and fire hydrants.
 - 28) Location of any existing or proposed bridges. Location of any proposed major culverts, SWM and BMP facilities.
 - 29) Proposed areas of common or non-common open space and acreage.
 - 30) Note as to conditions and date of approval of rezoning or special exception and file number.
 - 31) A signed statement by the present owner authorizing appropriate County and State personnel permission to enter the property for purposes of evaluating the subdivision proposal.
 - 32) The engineer/surveyor shall certify that the above requirements have been met and the plat meets all applicable State and local standards to the best of his/her knowledge.
- B) The site shall be staked in a minimum 400 foot grid pattern. The plan and field stakes will have a corresponding reference system. Field stakes will be clearly visible from a reasonable distance.
- C) Preliminary Soil Report:

This report is to be prepared by a Professional Soil Scientist. The Soil Scientist must have the education and/or experience to meet eligibility requirements as a Virginia Certified Professional Soil Scientist (see Chapter 22 of Title 54.1 of the Code of Virginia). Credentials must be available to the County Soil Scientist upon request.

The scope and purpose of this report is reconnaissance in nature. It is intended to serve as a screening mechanism to identify those tracts of land or building sites, or parts thereof, with major soil problems relative to the proposed use. It generally relies heavily on a soil map, with reconnaissance field work to confirm published soil mapping or actual soil mapping of a tract of land. The soil map shall delineate soil mapping of similar soil/landscape conditions and shall provide use potentials. This information is available from the Interpretive Guide to the Soils of Fauquier County.

The preliminary soil report shall include the following:

- 1) A brief description of the site terrain, bedrock geology and surficial materials. The field methods and procedures used in preparing the report.
- 2) A soil map, based on the updated Fauquier County Soil Map; superimposed over the development layout, and showing:
 - a) The general location and extent of soil mapping units for the tract and other soil/landscape features, including stone symbols, gullies, rock outcrops, springs, and wet spots symbols.
 - b) General location of all soil borings and backhoe pits borings shall be to six (6) feet in depth unless bedrock or seasonal water tables are encountered at a lesser depth. Boring locations will be used for field verification by the County Soil Scientist. Distribution of borings should assure adequate coverage of soil conditions on the site evaluated. Minimum soil boring densities are: 1 boring/2 acres in tracts less than 100 acres; 1 boring/5 acres for tracts greater than 100 acres.
 - c) A certification shall be placed on the map, signed by the Soil Scientist, and stating that "The field work verifying this soil map has been completed by a professional soil scientist as required in Section 9-5 of the Subdivision Ordinance of Fauquier County".
- 3) Descriptions of mapping units, including slope, drainage, landscape position, parent material, presence of perched or apparent water tables depth of bedrock, and range in characteristics for texture and color. Boring logs, field notes, field/laboratory data shall be included.
- 4) Narratives of mapping unit potential for proposed use.
- 5) General recommendations/conclusions, to include but not be limited to:
 - a) soil/rock problems and their extent for proposed uses.
 - b) suitability of soil materials for use as road fill and fill under slabs.
 - c) needs for drainage (foundation/road under drainage).
 - d) occurrence of high shrink-swell materials, if applicable.
 - e) topsoil and vegetative stabilization (lawns and shrubs).
 - f) soil suitability for on-site sewage disposal.
 - g) suitability for agricultural or forestal purposes, if applicable.
 - h) soil suitability for stormwater detention/BMP's.
 - i) need for further geotechnical studies.

- 6) A certification should be placed in the report, signed by the Soil Scientist, and stating that "This report has been written by a Professional Soil Scientist as required in Section 9-5 of the Subdivision Ordinance of Fauquier County. The Fauquier County Office of Community Development shall be notified in writing of any changes (amendments) to this report.

Signed _____ Dated _____

Based on the findings of the soil report, staff may direct that a more detailed geotechnical study be provided to the County by the applicant prior to final plan, construction plan, or record plat approval. Such a report will be required when structural improvements are proposed on soils with high shrink-swell clays, high water tables, known low-bearing capacities, and areas which have potential geomorphic instability, per the Interpretive Guide to the Soils of Fauquier County. The geotechnical report shall contain appropriate designs, earthwork specifications, and recommendations for remedial action in problem areas. The report is to be prepared under the directions of, sealed by, a licensed professional engineer licensed in the State of Virginia with experience in geotechnical engineering.

9-6 *Planning Commission Decision* (Amended by Board of Supervisors on February 22, 2000.)

A decision on the preliminary plat shall be rendered by the Commission within sixty (60) days after the official filing unless an extension is agreed to by the applicant. If the approval of any State agency, including but not limited to the Virginia Department of Transportation, is required for a feature or features of the preliminary plat, the Commission shall have an additional 45 days from the receipt of all such approvals to act on the plat. When rendering an adverse decision on a preliminary plat, the Commission shall include the specific paragraph(s) of this Ordinance and/or other applicable ordinances with which the subdivider has not complied. Nothing in this Ordinance shall be construed to prevent an applicant who has received an adverse decision on the preliminary plat from proceeding with preparation and submission of the final plat.

9-7 *Referral to Board*

All preliminary plats acted on by the Commission shall be referred to the Board of Supervisors at its next regularly scheduled meeting. The Board of Supervisors, by a majority vote, may consider a preliminary plat at the second regularly scheduled meeting. If the Board takes no action on preliminary plat referrals, the preliminary plat shall be deemed approved or denied in accordance with the actions of the Planning Commission.

The Board shall act on the preliminary plat referral not later than its second regularly scheduled meeting unless an extension is agreed to by the applicant. The Board may approve, approve with modification, or deny the preliminary plat. Any action by the Board of Supervisors shall be deemed final.

9-8 *Recommendations*

At the time of the hearing before the Commission, the agent shall present to the Commission his recommendations concerning the preliminary plat and plans including, but not limited to, compliance with the applicable Ordinance.

9-9 *Notification of Commissions or Boards Decision*

The subdivider shall be advised as to the recommendations of the Commission or Board of Supervisors, whichever is applicable. Such notification shall be by formal letter, and/or legible marking in red on the subdividers copy of the preliminary plat showing the Commission's recommendation.

9-10 *No Final Approval Guarantee*

The approval of the preliminary plat by the Commission does not guarantee approval of the final plat and plans, unless in substantial compliance with the approved preliminary plat and in full compliance with all applicable County Ordinances and all other applicable regulations. Such approval does not constitute approval or acceptance of the subdivision by the governing body or authorization to proceed with construction or improvements on the subdivision.

9-11 *Twelve Month Limitation*

The subdivider shall have not more than twelve (12) months after receiving official notification concerning the preliminary plat to file in the Office of the Commission or its agent a final subdivision plat in accordance with this Ordinance. Failure to do so shall render preliminary approval null and void. The Planning Commission may, on written request by the subdivider, grant an extension of this time limit. Such request shall be filed with the Office of Community Development and Zoning no later than fifteen (15) days prior to the expiration date of preliminary plan. Such extension may be granted based on sufficient evidence that preparation of the final plat/construction plans is proceeding with due diligence. In no case shall an extension be granted for more than six (6) months after the initial twelve (12) month approval. In no case shall an extension be granted when conditions have changed since the date of approval or when a preliminary plat has expired.

9-12 *Plans, Profiles and Specifications*

Following official notification to the subdivider of the Commission's recommendations on the preliminary plat, the plans, profiles and specifications for all required public or private improvements to be installed shall be prepared by a person or firm licensed in Virginia to prepare such plans in accordance with agency requirements and Section 10-5 of this Ordinance and submitted to the agent for the governing body. Such plans shall be submitted to the Office of Community Development and Zoning with distribution of the plans the responsibility of the applicant. The plans should be submitted to the review agencies at least sixty (60) days prior to the submission deadline for the Planning Commission meeting at which the subdivider wishes the plat to be considered. If approved, one copy bearing certification of such approval shall be returned to the subdivider. If disapproved, all papers shall be returned to the subdivider with the reason for disapproval in writing. The requirements of this Section shall be accomplished during the twelve (12) month time limit for preliminary plats as set forth in Section 9-10 of this Ordinance.

9-13 *Additional Design and Performance Standards* (Amended by Board of Supervisors September 9, 1999.)

- A) In addition to the technical requirements of this Ordinance, the following shall also be evaluated. Except for agricultural lots meeting the requirements of Section 4-11(4), should any of the following be deemed to exist, the development will not be approved

unless the developer and/or the County can provide an adequate solution to remedy the problem in accordance with the requirements set forth herein.

- 1) The inability to provide a permanent means of sewage disposal acceptable to the Health Official and the County. The criteria for adequacy is as follows:
 - a) Central sewer to be provided by the Fauquier County Water and Sanitation Authority.
 - b) Where construction on drainfields is authorized, sufficient drainfields and replacement area is to be provided to last the expected life of the dwelling units. The adequacy of the area is to be approved by the Health Department.

B) Adverse environmental impact of the development should be minimal. The criteria for determination is as follows:

- 1) Water supplies - The impact shall be deemed excessive if the Health Official finds that the development will jeopardize the safety of present or future water supplies or that by reason of topography, soil type and condition, surface and subsurface drainage condition, water table, history of failure of septic systems in adjacent areas, and the extent of septic system development there appears to be doubt of the proper functioning of septic systems, with respect to contamination of water supplies.
- 2) Lack of adequate drainage excessive environmental impact with respect to drainage, shall be deemed to exist if surface or subsurface water retention and/or runoff is such that it constitutes a danger to the structural security of proposed dwelling units or other on-site structures.

In addition, inadequate drainage shall be deemed to exist where proposed site grading and development creates harmful or damaging effects from erosion and siltation on downhill and/or downstream land and no adequate remedy is provided. Recommendations are to be requested from the John Marshall Soil and Water Conservation District based on the evaluation of submitted Sedimentation and Erosion Control Plan.

- 3) Layout and Design - The development should be designed so as to provide a quality environment for residents by minimizing its adverse impact. General considerations for minimal impact are as follows:
 - (1) Road and street layout should utilize topography so that unnecessary cuts and fills are avoided.
 - (2) Where open space, public or private is planned the following should be considered:
 - (a) Provide an integrated system, being contiguous, if possible.
 - (b) Provide convenient access to as many of the lots as possible.

- (c) Planned use and maintenance whether active or passive, should be adequately assured through a homeowners association or other method acceptable to the Governing Body.
 - (d) Any system of trails or paths should be designed to take advantage of visual qualities of the area, and provide for safe and convenient movement of pedestrians.
- (3) Tree masses and large individual trees, wherever possible, should be preserved.
- (4) Wherever possible, utility transmission lines should be placed underground.
- (5) All major streams and rivers, especially those upon which flood control, water impoundment, and recreation facilities are located or planned, should be left in the natural state where adequate or improved to provide for the maintenance of water quality standards.